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EXAMINER

ANYIKIRE, CHIKAODILI E

ART UNIT

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2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,512	<b>Applicant(s)</b> CHIKU ET AL.	
	<b>Examiner</b> CHIKAODILI E. ANYIKIRE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This application is responsive to application number (10749512) filed on January 02, 2004. Claims 1-10 are pending and have been examined.

***Response to Arguments***

2. Applicant's arguments filed on February 25, 2008 have been fully considered but they are not persuasive. Claims 1-10 are currently pending.

Argument 1: The applicant argues that the first switching means does not receive AV data (Amendment of February 25, 2008, pg 11 Ln 4-15). The examiner disagrees. The system receives audio and video information to be used in recording and reproducing means.

Argument 2: The applicant argues that the prior art does not teach fixed pattern (Amendment of February 25, 2008, pg 11 Ln 16 and pg 12 Ln 6). The applicant argues that there is a variation, but the prior art discloses a fixed pattern for the signal. The fact that it is for a portion of the signal has a fixed pattern and since the applicant does not limit the fixed pattern then the prior art reads on it.

Argument 3: The applicant argues that the prior art does not teach a second selection means (Amendment of February 25, 2008, pg 12 Ln 7-16). The examiner respectfully disagrees. The prior art discloses a controller that performs a selection function, which operates to output information related to AV data.

Argument 4: The applicant argues that the prior art does not teach a deciding means (Amendment of February 25, 2008). The examiner respectfully disagrees. The prior art presents a flow chat that shows the functions of the system controller has a decision means to perform the functions in the claim language.

Argument 5: The applicant argues that the prior art does not teach a controlling means (Amendment of February 25, 2008, pg 13 Ln 19-24). The

examiner respectfully disagrees. The prior art teaches the system controller which serves as a control means which operates the recording and reproducing means, which involves the codecs.

A detailed description follows.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsutsui (US 6,049,517).

As per **claim 1**, Tsutsui discloses an AV data outputting apparatus comprising:  
first selecting means for selecting one from first AV data and second AV data, the first AV data resulting from encoding original data in a first encoding procedure, the second AV data resulting from encoding the original data in a second encoding procedure different from the first encoding procedure (Fig 13, S102; Col 25 Ln 42-Col 26 Ln 15);

fixed-pattern data generating means for generating third AV data representative of either a first fixed pattern or a second fixed pattern, the first fixed pattern corresponding to the first encoding procedure, the second fixed pattern corresponding to the second encoding procedure (Col 2 Ln 66-Col 3 Ln 7);

second selecting means for selecting one from the AV data selected by the first selecting means and the third AV data generated by the fixed-pattern data generating means (Fig 13, S102; Col 25 Ln 42-Col 26 Ln 15; the switch can be used to further choose between the results of the first switch and the fixed-pattern data);

outputting means for outputting the AV data selected by the second selecting means (Fig 4, 59 and Fig 15, S203 and S204; Col 13 Ln 9-22 and Col 26 Ln 16-64);

output data type designating means for designating a type of encoding about the AV data outputted by the outputting means among different types corresponding to the first and second encoding procedures respectively (Fig 4, 59 and Fig 15, S203 and S204; Col 13 Ln 9-22 and Col 26 Ln 16-64);

deciding means for deciding whether or not the encoding procedure related to the AV data selected by the first selecting means corresponds to the encoding type designated by the output data type designating means (Fig 4, 57 and Fig 15, S203 and S204; Col 17 Ln 24-50); and

controlling means for controlling the second selecting means to select the AV data selected by the first selecting means when the deciding means decides that the encoding procedure related to the AV data selected by the first selecting means corresponds to the encoding type designated by the output data type designating means (Fig 4, 57; Col 17 Ln 24-50), and

controlling the second selecting means to select the third AV data generated by the fixed-pattern data generating means and being representative of one of the first and second fixed patterns which corresponds to the encoding type designated by the output

data type designating means when the deciding means decides that the encoding procedure related to the AV data selected by the first selecting means does not correspond to the encoding type designated by the output data type designating means (Fig 4, 57; Col 17 Ln 24-50).

As per **claim 4**, Tsutsui discloses an AV data outputting apparatus as recited in claim 1, further comprising:

a recording medium (Fig 4, 80; Col 17 Ln 24-50 and Col 24 Ln 5-51);

reproducing means for reproducing a signal from the recording medium (Fig 4; Col 17 Ln 24-50 and Col 24 Ln 5-51);

a first processor for generating the first AV data from the signal reproduced by the reproducing means, and feeding the first AV data to the first selecting means (Fig 4, 57; Col 17 Ln 24-50);

a second processor for generating the second AV data from the signal reproduced by the reproducing means, and feeding the second AV data to the first selecting means (Fig 4, 57; Col 17 Ln 24-50);

second deciding means for deciding whether the signal reproduced by the reproducing means corresponds to the first encoding procedure or the second encoding procedure (Fig 4, 57; Col 17 Ln 24-50); and

second controlling means for controlling the first selecting means to select the first AV data when the second deciding means decides that the signal reproduced by the reproducing means corresponds to the first encoding procedure, and controlling the first selecting means to select the second AV data when the second deciding means

decides that the signal reproduced by the reproducing means corresponds to the second encoding procedure (Fig 4, 57; Col 17 Ln 24-50).

As per **claim 7**, Tsutsui discloses an AV data outputting apparatus comprising:

first selecting means for selecting one from first AV data and second AV data, the first AV data resulting from encoding original data in a first encoding procedure, the second AV data resulting from encoding the original data in a second encoding procedure different from the first encoding procedure (Fig 13, S102; Col 25 Ln 42-Col 26 Ln 15);

fixed-pattern data generating means for selectively generating either third AV data or fourth AV data, the third AV data corresponding to the first encoding procedure, the fourth AV data corresponding to the second encoding procedure, the third AV data and the fourth AV data representing a fixed pattern (Col 2 Ln 66-Col 3 Ln 7);

second selecting means for selecting one from the AV data selected by the first selecting means and the AV data generated by the fixed-pattern data generating means (Fig 13, S102; Col 25 Ln 42-Col 26 Ln 15; the switch can be used to further choose between the results of the first switch and the fixed-pattern data);

outputting means for outputting the AV data selected by the second selecting means (Fig 4, 59 and Fig 15, S203 and S204; Col 13 Ln 9-22 and Col 26 Ln 16-64);

output data type designating means for designating a type of encoding about the AV data outputted by the outputting means among different types corresponding to the first and second encoding procedures respectively (Fig 4, 59 and Fig 15, S203 and S204; Col 13 Ln 9-22 and Col 26 Ln 16-64);



deciding means for deciding whether or not the encoding procedure related to the AV data selected by the first selecting means corresponds to the encoding type designated by the output data type designating means (Fig 4, 57 and Fig 15, S203 and S204; Col 17 Ln 24-50); and

controlling means for controlling the second selecting means to select the AV data selected by the first selecting means when the deciding means decides that the encoding procedure related to the AV data selected by the first selecting means corresponds to the encoding type designated by the output data type designating means (Fig 4, 57 and Fig 15, S203 and S204; Col 17 Ln 24-50), and

controlling the fixed-pattern data generating means to generate the AV data corresponding to the encoding type designated by the output data type designating means and controlling the second selecting means to select the AV data generated by the fixed-pattern data generating means when the deciding means decides that the encoding procedure related to the AV data selected by the first selecting means does not correspond to the encoding type designated by the output data type designating means (Fig 4, 57 and Fig 15, S203 and S204; Col 17 Ln 24-50).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2, 3, 5, 6, and 8-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsui (US 6,049,517) in view of Tateyama (US 6,018,816).

As per **claim 2**, Tsutsui discloses an AV data outputting apparatus as recited in claim 1, further comprising:

a first encoder for encoding the original data outputted by the camera device in the first encoding procedure to generate the first AV data (Fig 4, 63 and Fig 13, S108); and

a second encoder for encoding the original data outputted by the camera device in the second encoding procedure to generate the second AV data (Fig 4, 65 and Fig 13, S103).

However, Tsutsui does not explicitly teach a camera device for outputting the original data.

In the same field of endeavor, Tateyama teach a camera device for outputting the original data (Fig 1A, 101; Col 6 Ln 6-14)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the invention of Tsutsui in view of the

invention of Tateyama. It is obvious to receive an video image through a camera, which the prior art incorporates.

As per **claim 3**, Tsutsui discloses an AV data outputting apparatus as recited in claim 2, further comprising a recording medium, and recording means for recording the first and second AV data generated by the first encoder (Fig 4, 63 and Fig 13, S108) and the second encoder (Fig 4, 65 and Fig 13, S103) on the recording medium (Fig 4, 64).

As per **claim 5**, Tsutsui discloses an AV data outputting apparatus as recited in claim 1.

However, Tsutsui does not explicitly teach wherein the first encoding procedure is a DV encoding procedure, and the second encoding procedure is an MPEG encoding procedure.

In the same field of endeavor, Tateyama teach wherein the first encoding procedure is a DV encoding procedure, and the second encoding procedure is an MPEG encoding procedure (Col 25 Ln 17-27).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the invention of Tsutsui in view of the invention of Tateyama. The advantage is to have two different methods to apply different scenarios: one for higher quality (DV format) and another for higher efficiency (MPEG).

As per **claim 6**, Tsutsui discloses an AV data outputting apparatus as recited in claim 1, wherein the outputting means comprises means for outputting the AV data (Fig

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4, 59 and Fig 15, S203 and S204; Col 13 Ln 9-22 and Col 26 Ln 16-64) selected by the second selecting means (Fig 13, S102; Col 25 Ln 42-Col 26 Ln 15; the switch can be used to further choose between the results of the first switch and the fixed-pattern data).

However, Tsutsui does not explicitly teach according to an isochronous transmission procedure prescribed by the IEEE1394 -1995 standards.

In the same field of endeavor, Tateyama teach according to an isochronous transmission procedure prescribed by the IEEE1394 -1995 standards (Fig 1A, 1394 Serial Bus; Col 6 Ln 6-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the invention of Tsutsui in view of the invention of Tateyama. It is advantageous to use IEEE 1394-1995 because it provides the capability for transferring real-time and large amount of data such as video and audio (AV) at high speed (Col 6 Ln 16-22).

As per **claim 8**, Tsutsui discloses an imaging apparatus comprising:

a switch for selecting one from first AV data and second AV data, the first AV data resulting from either a first encoding procedure or a second encoding procedure different from the first encoding procedure, the second AV data representing a fixed-pattern and being of either a format corresponding to the first encoding procedure or a format corresponding to the second encoding procedure (Fig 13, S102; Col 25 Ln 42-Col 26 Ln 15);

third means for deciding whether or not the encoding procedure related to the first AV data corresponds to the requested encoding type designated by the second means (Fig 4, 57; Col 17 Ln 24-50);

fourth means for controlling the switch to select the first AV data when the third means decides that the encoding procedure related to the first AV data corresponds to the requested encoding type designated by the second means (Fig 4, 57; Col 17 Ln 24-50); and

fifth means for causing the second AV data to be of the format corresponding to the requested encoding type designated by the second means and controlling the switch to select the second AV data when the third means decides that the encoding procedure related to the first AV data does not correspond to the requested encoding type designated by the second means (Fig 4, 57; Col 17 Ln 24-50).

However, Tsutsui does not explicitly teach first means for loading isochronous packets with the AV data selected by the switch, and sequentially outputting the isochronous packets;

second means for designating a requested type of encoding about the AV data carried by the isochronous packets outputted by the first means among different types corresponding to the first and second encoding procedures respectively.

In the same field of endeavor, Tateyama teach first means for loading isochronous packets with the AV data selected by the switch, and sequentially outputting the isochronous packets;

second means for designating a requested type of encoding about the AV data carried by the isochronous packets outputted by the first means among different types corresponding to the first and second encoding procedures respectively (Fig 1A, 1394 Serial Bus; Col 6 Ln 6-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the invention of Tsutsui in view of the invention of Tateyama. It is obvious to use the standard as a means for transmission to send isochronous packets.

As per **claim 9**, Tsutsui discloses an imaging apparatus comprising:

a first switch for selecting one from first AV data and second AV data, the first AV data resulting from a first encoding procedure, the second AV data resulting from a second encoding procedure different from the first encoding procedure (Fig 13, S102; Col 25 Ln 42-Col 26 Ln 15);

first means for generating third AV data representative of a fixed pattern and being of either a format corresponding to the first encoding procedure or a format corresponding to the second encoding procedure (Col 2 Ln 66-Col 3 Ln 7);

a second switch for selecting one from the AV data selected by the first switch and the third AV data generated by the first means (Fig 13, S102; Col 25 Ln 42-Col 26 Ln 15; the switch can be used to further choose between the results of the first switch and the fixed-pattern data);

fourth means for deciding whether or not the encoding procedure related to the AV data selected by the first switch corresponds to the requested encoding type designated by the third means (Fig 4, 57; Col 17 Ln 24-50);

fifth means for controlling the second switch to select the AV data selected by the first switch when the fourth means decides that the encoding procedure related to the AV data selected by the first switch corresponds to the requested encoding type designated by the third means (Fig 4, 57; Col 17 Ln 24-50); and

sixth means for controlling the first means to cause the third AV data generated by the first means to be of the format corresponding to the requested encoding type designated by the third means and controlling the second switch to select the third AV data generated by the first means when the fourth means decides that the encoding procedure related to the AV data selected by the first switch does not correspond to the requested encoding type designated by the third means (Fig 4, 57; Col 17 Ln 24-50).

However, Tsutsui does not teach second means for loading isochronous packets with the AV data selected by the second switch, and sequentially outputting the isochronous packets;

third means for designating a requested type of encoding about the AV data carried by the isochronous packets outputted by the second means among different types corresponding to the first and second encoding procedures respectively.

In the same field of endeavor, Tateyama teach second means for loading isochronous packets with the AV data selected by the second switch, and sequentially outputting the isochronous packets;

third means for designating a requested type of encoding about the AV data carried by the isochronous packets outputted by the second means among different types corresponding to the first and second encoding procedures respectively (Fig 1A, 1394 Serial Bus; Col 6 Ln 6-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the invention of Tsutsui in view of the invention of Tateyama. It is obvious to use the standard as a means for transmission to send isochronous packets..

As per **claim 10**, Tsutsui discloses an imaging apparatus as recited in claim 9, further comprising:

a recording medium (Fig 4, 80; Col 17 Ln 24-50 and Col 24 Ln 5-51);

seventh means for reproducing a signal from the recording medium (Fig 4; Col 17 Ln 24-50 and Col 24 Ln 5-51);

a first processor for generating the first AV data from the signal reproduced by the seventh means, and feeding the first AV data to the first switch (Fig 4, 57; Col 17 Ln 24-50);

a second processor for generating the second AV data from the signal reproduced by the seventh means, and feeding the second AV data to the first switch (Fig 4, 57; Col 17 Ln 24-50);

eighth means for deciding whether the signal reproduced by the seventh means corresponds to the first encoding procedure or the second encoding procedure (Fig 4, 57; Col 17 Ln 24-50);



ninth means for controlling the first switch to select the first AV data when the eighth means decides that the signal reproduced by the seventh means corresponds to the first encoding procedure (Fig 4, 57; Col 17 Ln 24-50); and

tenth means for controlling the first switch to select the second AV data when the eighth means decides that the signal reproduced by the seventh means corresponds to the second encoding procedure (Fig 4, 57; Col 17 Ln 24-50).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/CEA/